

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	John W. Darrah	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 3149	DATE	August 13, 2008
CASE TITLE	E.G. Southworth vs. UAL Corporation, et al.		

DOCKET ENTRY TEXT

Appellees' Motion to Dismiss Appeal [5] is granted. This case is hereby dismissed.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

This is an appeal from an order of the Bankruptcy Court. Appellant is a former United Airlines pilot who filed a claim for \$160,536.20 in United's bankruptcy. On April 9, 2008, Bankruptcy Judge Eugene R. Wedoff issued an order awarding Appellant a general, unsecured claim in the amount of \$66,219.90 ("Order"). (Def. Br., Ex. A.)

The Order was docketed on April 10, 2008. (*See* Def. Br., Ex. C.) Appellant filed a notice of appeal of the Order on April 23, 2008. (*See id.*) Appellees move to dismiss the appeal as untimely. [Doc. 5.]

Federal Rules of Bankruptcy Procedure require that a notice of appeal be filed within ten days from the date of the judgment from which the appeal is taken. Fed. R. Bank. P. 8002(a). Here, the Order was entered on April 10, 2008; therefore, the notice of appeal was due to be filed by April 21, 2008 (because April 20 was a Sunday). The notice of appeal was not filed until April 23, 2008.

Appellant does not dispute that his notice of appeal was not timely filed. However, he contends an injustice has occurred and urges the Court to review the merits despite the late filing. *See* "Appellant's Appearance Form Resubmission, Request for Telephonic Status Hearing Appearance and Response to United's Motion to Dismiss." [Doc. 11.]

The time frames prescribed by Fed. R. Bank. P. 8002(a) are mandatory and jurisdictional. *See In re United Airlines, Inc.*, 337 B.R. 904, 918 (N.D. Ill. 2006). A failure to file a timely notice of appeal deprives the Court of jurisdiction to review the Bankruptcy Court's Order. *See In re Liptak*, No. 04 c 2147, 2004 WL 2515828 (N.D. Ill. Nov. 1, 2004) (district court lacked jurisdiction to hear untimely bankruptcy appeal). Appellant's appeal was not filed within the prescribed time frame, and the Court lacks jurisdiction to hear it.

Appellees' Motion to Dismiss Appeal is granted. This case is hereby dismissed.